

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jonathan S. Stamler, Andrew J. Gow and David J. Singel

Application No.: 10/066,320

Group: 1653

Filed: January 31, 2002

Confirmation No.: 1921

For: Method for Determining Physiological Effects of Hemoglobin



CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202	
on <u>Sept. 16, 2002</u>	<u>[Signature]</u>
Date	Signature
<u>DIANE L. MATSON</u>	
Typed or printed name of person signing certificate	

REPLY TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Box Missing Parts
Assistant Commissioner for Patents
P.O. Box 2327
Arlington, VA 22202

Sir:

In reply to the Notice to File Missing Parts dated March 27, 2002, the following documents and fees are being submitted for filing in the captioned application. A copy of the Notice is attached.

☒ **EXECUTED DECLARATION FOR PATENT APPLICATION**

(Separate transmittal letter and postcard not required)

☐ **POWER OF ATTORNEY DOCUMENT**

☐ **GRANTED BY INVENTOR(S)**

☐ **GRANTED BY ASSIGNEE, including Statement under 37 C.F.R. 3.73(b)**

(Separate transmittal letter and postcard not required)

☐ **PRELIMINARY AMENDMENT**

(Separate transmittal letter and postcard not required)

☒ **FILING FEE** - with Fee Transmittal for Patent Applications in duplicate

Fee calculations based on:

☒ Claims as originally filed

☐ Claims upon entry of the Preliminary Amendment filed [herewith] [with the application]

(Separate transmittal letter and postcard not required)

☒ **SURCHARGE** - surcharge fee of \$65.00

(Separate transmittal letter and postcard not required)

09/23/2002 MKHAMM1 00000058 10066320

05 FC:218

720.00 OP

☐ **SEQUENCE LISTING** - Filed concurrently and is attached

(Separate transmittal letter and postcard required)

☐ **SUBSTITUTE DRAWINGS**

☐ Sheets of substitute drawings consisting of Figs. 1 - ☐ are enclosed

(Separate transmittal letter and postcard not required)

☒ **PETITION FOR EXTENSION OF TIME**

☒ Applicant hereby petitions to extend the time to respond to the Notice to File Missing Parts dated March 27, 2002 for 4 months from May 27, 2002 to September 27, 2002. The appropriate fee of \$720.00 is included in the enclosed check.

☐ A ☐ month extension of time to respond to the Notice to File Missing Parts dated ☐ was filed on ☐ with payment of a \$☐ fee

☐ Applicant hereby petitions for an additional ☐ month extension of time to respond to the Notice to File Missing Parts. The appropriate fee of \$☐ is included in the enclosed check

(Separate Petition for Extension of Time and postcard not required)

☐ **REQUEST FOR CORRECTED FILING RECEIPT** - Filed concurrently and is attached

(Separate transmittal letter and postcard required)

☒ **STATEMENT CLAIMING SMALL ENTITY STATUS**

☐ Was filed on ☐

☒ Are enclosed herewith **(2)**

(Separate transmittal letter and postcard not required)

☐ In view of the small entity status of the captioned application, we hereby request a reimbursement of 50% of the filing fees in the amount of \$☐ which were paid on ☐ to be deposited in Deposit Account No. 08-0380

The fees required for filing the indicated documents are enclosed in the form of a check in the total amount of \$2,244.00. Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Carol A. Egner
Carol A. Egner
Registration No.: 38,866
Tel.: (978) 341-0036
Fax: (978) 341-0136

Concord, Massachusetts 01742-9133

Date: September 16, 2002

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

FEE TRANSMITTAL FOR PATENT APPLICATIONS

Attorney Docket Number	1818.1030-003
Application Number	10/066,320
First Named Inventor	Jonathan S. Stamler

CLAIM CALCULATION (includes any preliminary amendment)

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c) or (j))	29 - 20* =	9	x \$ 18 =	\$ 162
	INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	27 - 3** =	24	x \$ 84 =	\$ 2016
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$ 280 =	\$
				BASIC FEE (37 CFR 1.16(a) or (h))	\$ 740
	Total of above Calculations =				\$ 2918
	Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27, 1.28) =				\$ 1459
	TOTAL =				\$ 1459
	Surcharge - Late Filing of Declaration or Filing Fees (37 C.F.R. 1.16(e)) =				\$ 65
	Petition for Extension of Time Fee (37 C.F.R. 1.17) =				\$ 720.00
	Assignment Recordation Fee = (only when filed with application)				\$
	TOTAL =				\$ 2244

* Reissue claims in excess of 20 and over original patent
 ** Reissue independent claims over original patent

1. Small entity status:

- a. ☒ Small entity statements (2) are enclosed.
- b. ☐ A small entity statement was filed in the prior non-provisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.

2. ☒ A general authorization is hereby granted to charge deposit account number 08-0380 for any fees required under 37 CFR 1.16 and 1.17 in order to maintain pendency of this application. A copy of this authorization is enclosed for accounting purposes.

3. ☒ A check is enclosed for \$2,244.00. ☐ Please charge \$[] to Deposit Account No. 08-0380.

4. ☐ Other: _____

Signature	<i>Carol A. Egnor</i>	Date	September 16, 2002
Submitted by Typed or Printed Name	Carol A. Egnor	Reg. Number	38,866



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/066,320	01/31/2002	Jonathan S. Stamler	1818.1030-003

021005
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133



CONFIRMATION NO. 1921

FORMALITIES LETTER



OC000000007729129

Date Mailed: 03/27/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$2178.
 - \$162 for 9 total claims over 20.
 - \$2016 for 24 independent claims over 3 .
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 3048.**

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

09/23/2002 NNDHAMM1 00000058 10066320

01 FC:201	370.00 OP
02 FC:205	65.00 OP
03 FC:203	81.00 OP
04 FC:202	1008.00 OP

PART 2 - COPY TO BE RETURNED WITH RESPONSE